

JUL 22 2002

Michael N. Milby, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In Re Enron Corporation	§	
Securities, Derivative &	§	MDL-1446
"ERISA" Litigation	§	
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THIS DOCUMENT RELATES TO:	§	
	§	
All Cases	§	
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MARK NEWBY, ET AL.,	§	
	§	
Plaintiffs	§	
	§	
VS.	§	CIVIL ACTION NO. H-01-3624
	§	CONSOLIDATED CASES
ENRON CORPORATION, ET AL.,	§	
	§	
Defendants	§	
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PATRICK P. RODGERS,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	CIVIL ACTION NO. H-02-2702
	§	
DAVID BRUCE DUNCAN, ET AL.,	§	
	§	
Defendants.	§	

ORDER OF CONSOLIDATION

Pursuant to the order of consolidation entered in lead case H-01-3624, Newby v. Enron Corp. et al. on December 12, 2001, the above referenced member case, transferred pursuant to the MDL transfer order, is hereby CONSOLIDATED into H-01-3624.

The Court further

ORDERS that Jeffrey Kilduff's motion to appear pro hac vice (instrument #13 in H-02-2702) for Defendant Jeffrey K. Skilling, with Ronald G. Woods continuing as lead counsel of record for Mr. Skilling, is GRANTED.

TRUE COPY I CERTIFY
ATTEST:
MICHAEL N. MILBY, Clerk
By [Signature]
Deputy Clerk

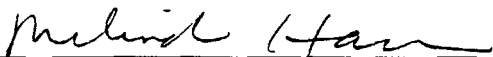
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Pursuant to the December 12, 2001 order of Judge Rosenthal (instrument #17 in H-01-3624), numerous cases arising out of the financial collapse of Enron resulted in the consolidation of securities violation claims in Newby to ensure the orderly progress of the extensive litigation and to avoid unwarranted duplication of discovery and motion practice. As a result, H-02-2702, as a member case, will be governed by the Newby docket control schedule and the procedural requirements of the Private Securities Litigation Reform Act ("PSLRA") of 1995, 15 U.S.C. §§ 78u-4 et seq.. A number of the member cases have also asserted state-law claims, and the Court will be addressing the schedule and issues regarding these claims shortly. Furthermore Lead Plaintiff's Consolidated Complaint for Violations of [Federal] Securities Laws supersedes Plaintiff Patrick Rogers' complaint for such claims. All the named Defendants in H-02-2702 have previously been named in the Newby litigation and have filed appropriate motions to dismiss the Consolidated Complaint. For these reasons, the Court

ORDERS that the following motions filed in H-02-2702 are MOOT: (1) Defendants Kenneth L. Lay and Jeffrey K. Skilling's motion to transfer venue (instrument #8); (2) Defendant Arthur Andersen L.L.P.'s motion to dismiss (#14); (3) Plaintiff Patrick Rogers' motion for leave to file amended complaint (#22); (4) Plaintiff's motion to extend the numbers of pages allowed for Plaintiff's Response to #14 (#24); (5) Defendant David Bruce Duncan's motion to transfer venue (#25); (6) David B. Duncan's motion to dismiss (#26); (7) Arthur Andersen L.L.P.'s motion for

clarification of order staying proceedings (#32); and Plaintiff's motion for default judgment (#39).

SIGNED at Houston, Texas, this 19th day of July, 2002.



MELINDA HARMON
UNITED STATES DISTRICT JUDGE